

## PEACE

*Treaty signed at Algiers June 30 and July 3, 1815*

*Senate advice and consent to ratification December 21, 1815*

*Ratified by the President of the United States December 26, 1815*

*Proclaimed by the President of the United States December 26, 1815*

*Renewed and modified by treaty of December 22 and 23, 1816<sup>1</sup>*

*Became obsolete in 1830, when Algiers became a province of France*

8 Stat. 224; Treaty Series 1½<sup>2</sup>

### TREATY OF PEACE CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND HIS HIGHNESS OMAR BASHAW DEY OF ALGIERS

#### ARTICLE 1<sup>st</sup>

There shall be from the Conclusion of this treaty, a firm inviolable and universal peace and friendship between the President and Citizens of the United States of America on the one part, and the Dey and Subjects of the Regency of Algiers in Barbary, on the other, made by the free consent of both parties and upon the terms of the most favored nations; and if either party shall hereafter grant to any other nation, any particular favor or privilege in navigation or Commerce it shall immediately become common to the other party, freely when freely it is granted to such other nation; but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

#### ARTICLE 2<sup>d</sup>

It is distinctly understood between the Contracting parties, that no tribute either as biennial presents, or under any other form or name whatever, shall ever be required by the Dey and Regency of Algiers from the United States of America on any pretext whatever.

#### ARTICLE 3<sup>d</sup>

The Dey of Algiers shall cause to be immediately delivered up to the American Squadron now off Algiers all the American Citizens now in his possession, amounting to ten more or less, and all the Subjects of the Dey of

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<sup>1</sup> TS 2, *post*, p. 51.

<sup>2</sup> For a detailed study of this treaty, see 2 Miller 585.

Algiers now in the power of the United States amounting to five hundred more or less, shall be delivered up to him, the United States according to the usages of civilized nations requiring no ransom for the excess of prisoners in their favor.

ARTICLE 4<sup>th</sup>

A just and full compensation shall be made by the Dey of Algiers to such citizens of the United States, as have been Captured, and detained by Algerine Cruizers, or who have been forced to abandon their property in Algiers in violation of the 22<sup>d</sup> article of the treaty of peace and amity concluded between the United States and the Dey of Algiers on the 5 September 1795.<sup>3</sup>

And it is agreed between the contracting parties, that in lieu of the above, the Dey of Algiers shall cause to be delivered forthwith into the hands of the American Consul residing in Algiers the whole of a quantity of Bales of Cotton left by the late Consul General of the United States in the public magazines in Algiers; and that he shall pay into the hands of the said Consul the sum of ten thousand Spanish dollars.

ARTICLE 5<sup>th</sup>

If any goods belonging to any nation with which either of the parties are at war should be loaded on board of vessels belonging to the other party, they shall pass free and unmolested, and no attempt shall be made to take or detain them.

ARTICLE 6<sup>th</sup>

If any Citizens or subjects belonging to either party shall be found on board a prize vessel taken from an Ennemy by the other party, such Citizens or subjects shall be liberated immediately, and in no case or on any pretence whatever whatever shall any American Citizen be kept in Captivity or Confinement, or the property of any American Citizen found on board of any vessel belonging to any nation with which Algiers may be at War, be detained from its lawful owners after the exhibition of sufficient proofs of american Citizenship, and American property, by the Consul of the United States residing at Algiers.

ARTICLE 7<sup>th</sup>

Proper passports shall immediately be given to the vessels of both the Contracting parties, on condition that the vessels of war belonging to the Regency of Algiers on meeting with Merchant Vessels belonging to Citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the Commander of said vessel, who shall compare the passports and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the

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<sup>3</sup> TS 1, *ante*, p. 32.

Commander or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made to the Consul of the United States residing in Algiers, and on his producing sufficient proofs to substantiate the fact, the Commander or Rais of said Algerine ship or vessel of war, as well as the offenders shall be punished in the most exemplary manner.

All vessels of war belonging to the United States of America, on meeting with a Cruizer belonging to the Regency of Algiers, on having seen her passports, and Certificates from the Consul of the United States residing in Algiers shall permit her to proceed on her Cruise unmolested, and without detention. No passport shall be granted by either party to any vessels but such as are absolutely the property of Citizens or subjects of the said contracting parties, on any pretence whatever.

#### ARTICLE 8<sup>th</sup>

A Citizen or subject of either of the contracting parties having bought a prize Vessel condemned by the other party, or by any other nation, the Certificates of Condemnation and bill of sale shall be a sufficient passport for such vessel for six months, which, considering the distance between the two countries is no more than a reasonable time for her to procure passports.

#### ARTICLE 9<sup>th</sup>

Vessels of either of the contracting parties putting into the ports of the other and having need of provisions, or other supplies shall be furnished at the market price, and if any such Vessel should so put in from a disaster at sea and have occasion to repair, she shall be at liberty to land, and reembark her Cargo, without paying any customs, or duties whatever; but in no case shall she be compelled to land her Cargo.

#### ARTICLE 10<sup>th</sup>

Should a vessel of either of the contracting parties be cast on shore within the Territories of the other all proper assistance shall be given to her, and to her crew; no pillage shall be allowed. The property shall remain at the disposal of the owners, and if reshipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succoured until they can be sent to their own Country.

#### ARTICLE 11<sup>th</sup>

If a vessel of either of the contracting parties shall be attacked by an enemy within Cannon shot of the forts of the other, she shall be protected as much as is possible. If she be in port she shall not be seized, or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no Ennemy shall be permitted to pursue her from the same port within twenty four hours after her departure.

ARTICLE 12<sup>th</sup>

The Commerce between the United States of America and the Regency of Algiers, the protections to be given to Merchants, masters of vessels, and seamen, the reciprocal right of establishing Consuls in each country, the privileges, immunities and jurisdictions to be enjoyed by such Consuls, are declared to be upon the same footing in every respect with the most favored nations respectively.

ARTICLE 13<sup>th</sup>

On a vessel or vessels of war belonging to the United States of America anchoring before the City of Algiers, the Consul is to inform the Dey of her arrival when she shall receive the Salutes, which are by treaty or Custom given to the ships of war of the most favored nations on similar occasions, and which shall be returned gun for gun: and if after such arrival so announced, any christians whatever, Captives in Algiers make their escape and take refuge on board of the said ships of war, they shall not be required back again, nor shall the Consul of the United States, or commander of the said Ship be required to pay anything for the said Christians.

ARTICLE 14<sup>th</sup>

The Consul of the United States of America shall not be responsible for the debts Contracted by the Citizens of his own Country unless he gives previously written obligations so to do.

ARTICLE 15<sup>th</sup>

As the Government of the United States of America has in itself no character of enmity against the laws, religion, or tranquility of any nation, and as the said States have never entered into any voluntary war, or act of hostility, except in defence of their just rights on the high seas, it is declared by the Contracting parties that no pretext arising from religious opinions shall ever produce an interruption of Harmony between the two nations; and the Consuls and agents of both nations, shall have liberty to Celebrate the rights of their respective religions in their own houses.

The Consuls respectively shall have liberty and personal security given them to travel within the territories of each other, both by land, and by sea, and shall not be prevented from going on board of any vessel they may think proper to visit; they shall likewise have the liberty of appointing their own Dragoman, and Broker.

ARTICLE 16<sup>th</sup>

In Case of any dispute arising from the violation of any of the articles of this Treaty no appeal shall be made to arms, nor shall war be declared, on any pretext whatever; but if the Consul residing at the place where the dispute shall happen, shall not be able to settle the same, the Government of

that country shall state their grievance in writing, and transmit the same to the government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the Consuls, and Citizens, and subjects of both parties respectively shall be permitted to embark with their families and effects unmolested, on board of what vessel or vessels they shall think proper. Reasonable time being allowed for that purpose.

#### ARTICLE 17<sup>th</sup>

If in the Course of events a war should break out between the two nations, the prisoners Captured by either party shall not be made slaves, they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe keeping, and they shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their Capture, and the exchange may be effected by any private individual, legally authorized by either of the parties.

#### ARTICLE 18<sup>th</sup> <sup>4</sup>

If any of the Barbary powers, or other states at war with the United States shall Capture any American Vessel, and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States with any prizes they may capture from their Ennemies shall have liberty to frequent the ports of Algiers for refreshment of any kinds, and to sell such prizes in the said ports, without paying any other customs or duties than such as are customary on ordinary Commercial importations.

#### ARTICLE 19<sup>th</sup>

If any Citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid or assistance from the Government of Algiers to enforce his decisions it shall be immediately granted to him. And if any dispute shall arise between any citizens of the United States, and the citizens or subjects of any other nation having a Consul or agent in Algiers, such disputes shall be settled by the Consuls or agents of the respective nations; and any dispute or suits at law that may take place between any citizens of the United States, and the subjects of the Regency of Algiers shall be decided by the Dey in person and no other.

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<sup>4</sup> For a modification of art. 18, see additional article in treaty of Dec. 22 and 23, 1816 (TS 2), *post*, p. 56.

ARTICLE 20<sup>th</sup>

If a Citizen of the United States should kill wound or strike a subject of Algiers, or on the Contrary, a subject of Algiers should kill wound or strike a Citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the tryal; but the sentence of punishment against an american Citizen, shall not be greater or more severe, than it would be against a Turk in the same predicament, and if any delinquent should make his escape, the Consul shall not be responsible for him in any manner whatever.

ARTICLE 21<sup>st</sup>

The Consul of the United States of America shall not be required to pay any customs or duties whatever on any thing he imports from a foreign Country for the use of his house & family.

ARTICLE 22<sup>d</sup>

Should any of the citizens of the United States die within the Regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will; should there be no Consul the effects shall be deposited in the hands of some person worthy of trust until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the Dey or his subjects give hindrance in the execution of any will that may appear.

Done at Algiers on the 30th day of June A. D. 1815.

OMAR BASHAW [SEAL]

Whereas the undersigned William Shaler a Citizen of the United States, and Stephen Decatur Commander in chief of the U.S. naval forces now in the medeterrenean, being duly appointed Commissioners by letters patent under the signature of the President, and Seal of the U.S. of America, bearing date at the City of Washington the 9th day of April 1815 for negotiating and concluding a treaty of peace between the U.S. of America, and the Dey of Algiers.

Now Know Ye that we William Shaler and Stephen Decatur commissioners as aforesaid, do conclude the foregoing treaty, and every article, and clause therein contained, reserving the same, nevertheless for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate

Done on board of the United States Ship Guerriere in the bay of Algiers on the 3<sup>d</sup> day of July in the year 1815 and of the independence of the U.S. 40th.

WM. SHALER  
STEPHEN DECATUR